

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRACEY LEE,

Plaintiff,

vs.

Case No. 10-CV-14545  
HON. GEORGE CARAM STEEH

WELLS FARGO HOME MORTGAGE.,

Defendants.

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ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO  
DISMISS [#2]

The court having heard argument this date on defendant's motion to dismiss finds the complaint filed by plaintiff to be deficient for the reasons stated on the record, accordingly,

Defendant's motion to dismiss is GRANTED IN PART and DENIED IN PART as follows:

Any claim relating to the assignment of the mortgage to defendant as argued by plaintiff would be futile for the reasons stated on the record by the court and partial dismissal is therefore granted on this putative claim.

Plaintiff shall file an amended complaint within fourteen (14) days from the date of this order stating the two claims discussed at the hearing on this matter.

The parties shall be permitted discovery commencing as of the entry of this order. After a period of sixty (60) days, defendant may renew its motion to dismiss and/or for

summary judgment on plaintiff's amended complaint by filing a supplemental pleading.

SO ORDERED.

Dated: January 20, 2011

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
January 20, 2011, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk